

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELLEY WINNAS THOMAS,

Plaintiff,

Case No.12-cv-13332
HON. GERSHWIN A. DRAIN

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION (#17),
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#16) AND
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#13)**

This matter is before the court on the parties' Cross-Motions for Summary Judgment as to Plaintiff Shelley Winnas Thomas' claim for judicial review of Defendant Commissioner of Social Security's denial of her application for disability insurance benefits. The matter was referred to Magistrate Judge Michael Hluchaniuk, who issued a Report and Recommendation on July 2, 2013, recommending that the Court deny Defendant's Motion for Summary Judgment, grant in part Plaintiff's Motion for Summary Judgment, and remand this matter to the Commissioner for further proceedings. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion.

Therefore, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Hluchaniuk's July 2, 2013 Report and Recommendation [#17] as this Court's findings of fact and conclusions of law. Defendant's Motion for Summary Judgment [#16] is DENIED. Plaintiff's Motion for Summary Judgment [#13] is GRANTED IN PART.

This matter is remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Hluchaniuk's Report and Recommendation.

SO ORDERED.

Dated: July 22, 2013

/s/ Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 22, 2013, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk